

**REMARKS/ARGUMENTS**

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 13 - 28 are pending in the application. Currently, claims 13, 14, 17, 21, 23, and 26 - 28 stand rejected; claims 15, 16, 18 - 20, and 25 stand objected to; and claims 22 and 24 stand allowed.

By the present amendment, claims 13 - 28 have been amended and new claims 29 - 38 have been added to the case.

In the office action mailed March 22, 2004, claims 13, 17, 21, 23, and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,886,643 to Diebboll et al. in view of U.S. Patent No. 5,042,027 to Takase et al. and U.S. Patent No. 6,321,264 to Fletcher et al.; claims 14 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Diebboll et al. in view of Takase et al. and Fletcher and further in view of U.S. Patent No. 5,521,907 to Ennis Jr., et al.; and claim 28 was rejected under 35 U.S.C. 103(a) as being unpatentable over Diebboll et al. in view of Takase et al. and Fletcher et al. and further in view of U.S. Patent No. 5,701,302 to Geiger.

The foregoing rejections are traversed by the present response.

The claims in the present application, such as claims 13, 17, and 26, are broadly directed to a method and system for measuring loss rates and transfer duration of data in a telecommunication network in packet mode. According to this method and system, probes connected and distributed at different points in the network are synchronized with each other and transmit measurement results through the network to a collecting

module. The measurements performed by the probes consist of dating, identifying, classifying and counting the data packets transmitted through the network. The collecting module performs correlation between the measurement results transmitted by the probes in order to determine unidirectional transfer durations per flow of data packets and loss rates of data packets.

In the office action, the Examiner raised certain objections to claims 14 - 21. Appropriate amendments have been made to these claims to obviate the objection.

With regard to the rejection of claims 13, 17, 21, 23, and 26 on obviousness grounds over Diebboll et al. in view of Takase and Fletcher et al., as admitted by the Examiner, the Diebboll patent fails to disclose "probes measuring packet loss rates, classifying data packets in a flow, unidirectional transfer duration measurements and performing correlation between all measurement results." It should be noted that in contrast with the Examiner's assertion tat this is the claimed collecting module and not the probes which performs such measurements. Further, Diebboll fails to disclose synchronized probes (in order to perform correlations between measurements performed by the probes). In contrast with the Examiner's assertion, "real time" does not mean "synchronized". "Real time" means that the probes are capable of analyzing the data packet transmitting through the network at a rate at least as high as the data packets are collected by the probes. These deficiencies in Diebboll are not overcome by the secondary references to Takase and Fletcher et al.

The Takase patent discloses communication stations which continually measure traffic in routes between nodes, the measurement results being stored in a database. The communication stations perform delay time measurements, packet

loss rate, and transmission error rate measurements. The communication stations of Takase et al. (constituting nodes of a network) cannot be compared with probes which can be connected to any point of a network, typically between nodes in the periphery of the network in order to perform end-to-end measurements. Thus, one of ordinary skill in the art having Diebboll and Takase et al. before them would not be motivated to combine the references in the manner suggested by the Examiner.

The Fletcher et al. patent discloses probes connected to lines connecting a set of servers to a set of clients (in prior art FIG. 1). Such lines cannot be compared to a telecommunications network with a plurality of probes distributed at different points of such a network. Fletcher et al. discloses to determine "network latency" which corresponds to the transfer time of a data packet from a server to a client or reversely. However, this measurement is performed on a single link or segment between two nodes (between a server and a client) by the same entity comparing two time stamps. In contrast with the claimed invention, such measurements are not performed by probes distributed in a telecommunication network but by the servers or the clients (as in Takase et al.) Therefore, in contrast with the claimed invention, Fletcher et al. does not require to synchronize the probes (this feature is not suggested in this patent). In contrast, the claimed unidirectional transfer duration per flow is performed by the claimed collecting modules which correlates dated measurements performed by synchronized probes.

As Diebboll and Takase et al., Fletcher et al. fails to suggest probes which are synchronized. Therefore, the cited and applied references taken in combination with each other do not teach or suggest probes that date the data packets. As a

consequence, these references cannot suggest or teach one to determine unidirectional transfer durations per flow or information flow group in a telecommunication network.

In addition, Diebboll teaches one to perform measurements with probes connected between nodes whereas Takase et al. and Fletcher et al. teach one to perform (traffic or time) measurements within nodes. Therefore, these references are not combinable since they teach away from each other. Accordingly, none of the cited documents suggests probes for analyzing a telecommunication network that are synchronized and transmit their measurement results through the analyzed network to a correlation module that determine unidirectional transfer durations of a flow of data packets.

With regard to the rejections of claims 14, 27, and 28, the patents to Ennis Jr., et al. and Geiger do not overcome the aforementioned deficiencies of Diebboll, Takase et al., and Fletcher et al. Thus, these claims are allowable for the same reasons that their parent claims are allowable.

With regard to new claims 29 - 38, these claims are believed to be allowable over the references of record.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

A check in the amount of \$280.00 is enclosed herewith to cover the cost of the extra claims. Should the Commissioner

Appl. No. 09/914,335  
Amdt. dated June 17, 2003  
Reply to office action of March 22, 2004

determine that an additional fee is due, he is hereby authorized  
to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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Date: June 17, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on June 17, 2004.

  
Nicole Motzer